

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**DEVON STEWARTS,**

**No. 08-30129-DRH**

**Defendant.**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is a Sealed Motion to Continue submitted by Defendant Stewarts (Doc. 35). The Court finds that the trial should be postponed because of the reasons cited in Defendant's sealed motion. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and Defendant Stewarts in a speedy trial because of the reasons set out in the sealed motion (Doc. 35). Therefore, the Court **GRANTS** Defendant Stewarts' sealed motion to continue trial (Doc. 35) and **CONTINUES** the jury trial scheduled for December 1, 2008 until **January 26, 2009 at 9:00 a.m.** The time from the date Defendant's motion was

filed, November 7, 2008 until the date on which the trial is rescheduled, **January 26, 2009**, is excludable time for the purposes of a speedy trial.

**IT IS SO ORDERED.**

Signed this 14th day of November, 2008.

/s/ David R. Herndon

**Chief Judge  
United States District Court**